

IN RE: PETITION FOR ZONING VARIANCE
NE/S Eastridge Road, 30' E
of the c/l of Hartfell Road
(2309 Eastridge Road)
8th Election District
3rd Councilmanic District

Robert Erich, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-359-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 21 feet in lieu of the minimum required 30 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners, by Mrs. Susan B. Erich, appeared, testified and were represented by Philip A. Petty, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 2309 Eastridge Road, consists of 12,000 sq. ft. zoned D.R. 3.5 and is improved with a single family dwelling which has been Petitioners' residence for the past 13 years. Petitioners are desirous of constructing a two story 20' x 24' addition to the rear of the existing structure to provide more habitable space for their family. The proposed addition will permit the enlargement of the existing kitchen and dining room areas on the first floor and the addition of a library to the second floor. Testimony indicated that Petitioners have spoken to their adjoining neighbors who have no objections to their plans. Evidence of their discussion has been submitted by letters of approval marked Petitioner's Exhibits 4 and 5. Additionally, Petitioners submitted proof of approval by the Architectural Committee of the Coachford Improvement Association. Ms. Erich testified that due to the unique characteristics of the subject property, the proposed improvements cannot be constructed without the requested variance.

Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of March, 1990 that the Petition for Zoning Variance to permit a rear yard setback of 21 feet in lieu of the minimum required 30 feet for a proposed addition in accordance with Petitioner's Exhibit 1 be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:hjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

February 5, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-359-A
NE/S of Eastridge Road, 30' E of c/l of Hartfell Road
2309 Eastridge Road
8th Election District - 3rd Councilmanic
Petitioner(s): Robert Erich, et ux
HEARING: MONDAY, MARCH 19, 1990 at 9:30 a.m.

Variances To permit a 21 ft. rear yard setback in lieu of the minimum 30 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:hjs

cc: Mr. & Mrs. Erich
Philip A. Petty, Esq.
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 3/2/90

Mr. & Mrs. Robert Erich
2309 Eastridge Road
Timonium, Maryland 21083

Re: Petition for Zoning Variance
CASE NUMBER: 90-359-A
NE/S of Eastridge Road, 30' E of c/l of Hartfell Road
2309 Eastridge Road
8th Election District - 3rd Councilmanic
Petitioner(s): Robert Erich, et ux
HEARING: MONDAY, MARCH 19, 1990 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$142.77 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

JRH:hjs

cc: Philip A. Petty, Esq.

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 110-3.5, B.C.Z.R., 208.4, R.10., 1963.)

To permit a 21 foot rear yard setback in lieu of the minimum 30 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty.)
Petitioners desire to construct a 20' x 24' addition onto the rear of their home which is located on a corner lot. However, addition would have to be substantially smaller due to 30' minimum rear-yard depth requirement.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.

Legal Owner(s):

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Philip A. Petty, Attorney At Law

Address

City and State

Attorney's Telephone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of March, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19 day of March, 1990, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th
Posted for: Robert Erich, et ux
Petitioner: Robert Erich, et ux
Location of property: NE/S Eastridge Rd., 30' E of Hartfell Rd., 2309 Eastridge Rd.
Location of Sign: Eastridge Rd. at Hartfell Rd., 2309 Eastridge Rd.
Remarks: None
Posted by: Philip A. Petty
Number of Signs: 1
Date of Posting: 3/2/90
Date of return: 3/2/90

ZONING DESCRIPTION

Beginning at the northeast corner of the intersection of Eastridge Road and Hartfell Road, being Lot #10, Block O, Section One, in the subdivision of Coachford as recorded in Baltimore County Plat Book 29, Folio 98. Also known as 2309 Eastridge Road in the Eighth (8th) Election District.

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 22, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 22, 1990.

THE JEFFERSONIAN,

S. Core Olsen
Publisher

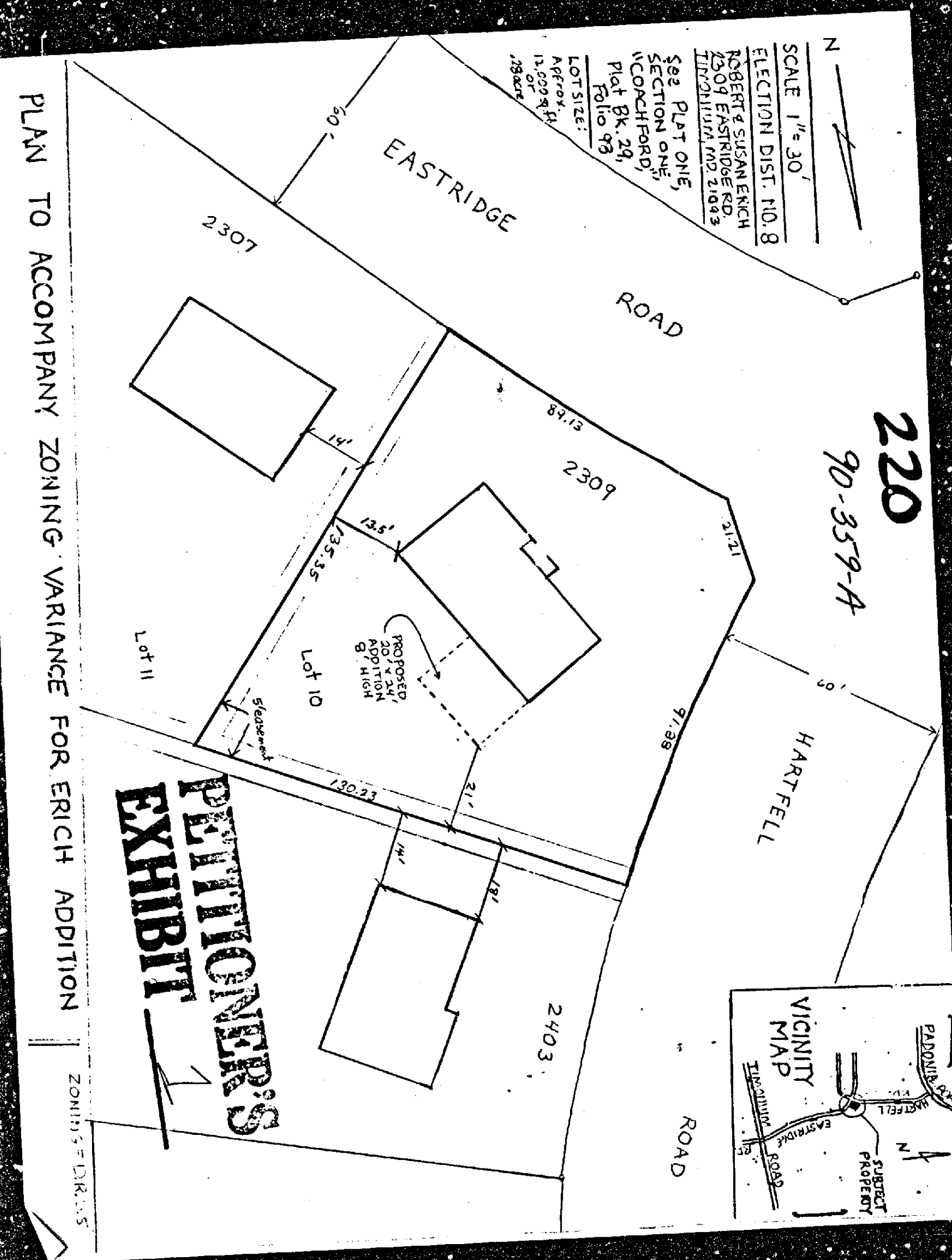
CERTIFICATE OF PUBLICATION

TOWSON, MD., February 22, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 22, 1990.

TOWSON TIMES,

S. Core Olsen
Publisher



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
1st day of February, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Petty
Chairman
Zoning Plans Advisory Committee

Petitioner: Robert Erich

Petitioner's Attorney: Philip A. Petty

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: February 1, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Susan B. Erich, Item 220

The Petitioner requests a Variance to permit a 21 ft. rear yard setback in lieu of the minimum 30 ft.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

FEBRUARY 1, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ROBERT ERICH
Location: NE/S OF EASTRIDGE ROAD
Item No.: 220 Zoning Agenda: JANUARY 30, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Pat Keller* 2-1-90 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 5, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for January 30, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 220, 221, and 225

Revised Item 128 - Elderly Housing - 6348 Frederick Road: Previous County Review Group Plan entitled "Paradise Professional Center" was approved 5-20-88. Due to revision of the site layout and use, a new County Review Group plan will be required for this site.

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

WAR C 8 1989

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 20, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Robert Erich
2309 Eastridge Road
Timonium, Maryland 21093

RE: PETITION FOR ZONING VARIANCE
NE/S Eastridge Road, 30' E of the c/l of Hartfell Road
(2309 Eastridge Road)
8th Election District - 3rd Councilmanic District
Robert Erich, et ux - Petitioners
Case No. 90-359-A

Dear Mr. & Mrs. Erich:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Ann M. Nastarowicz

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

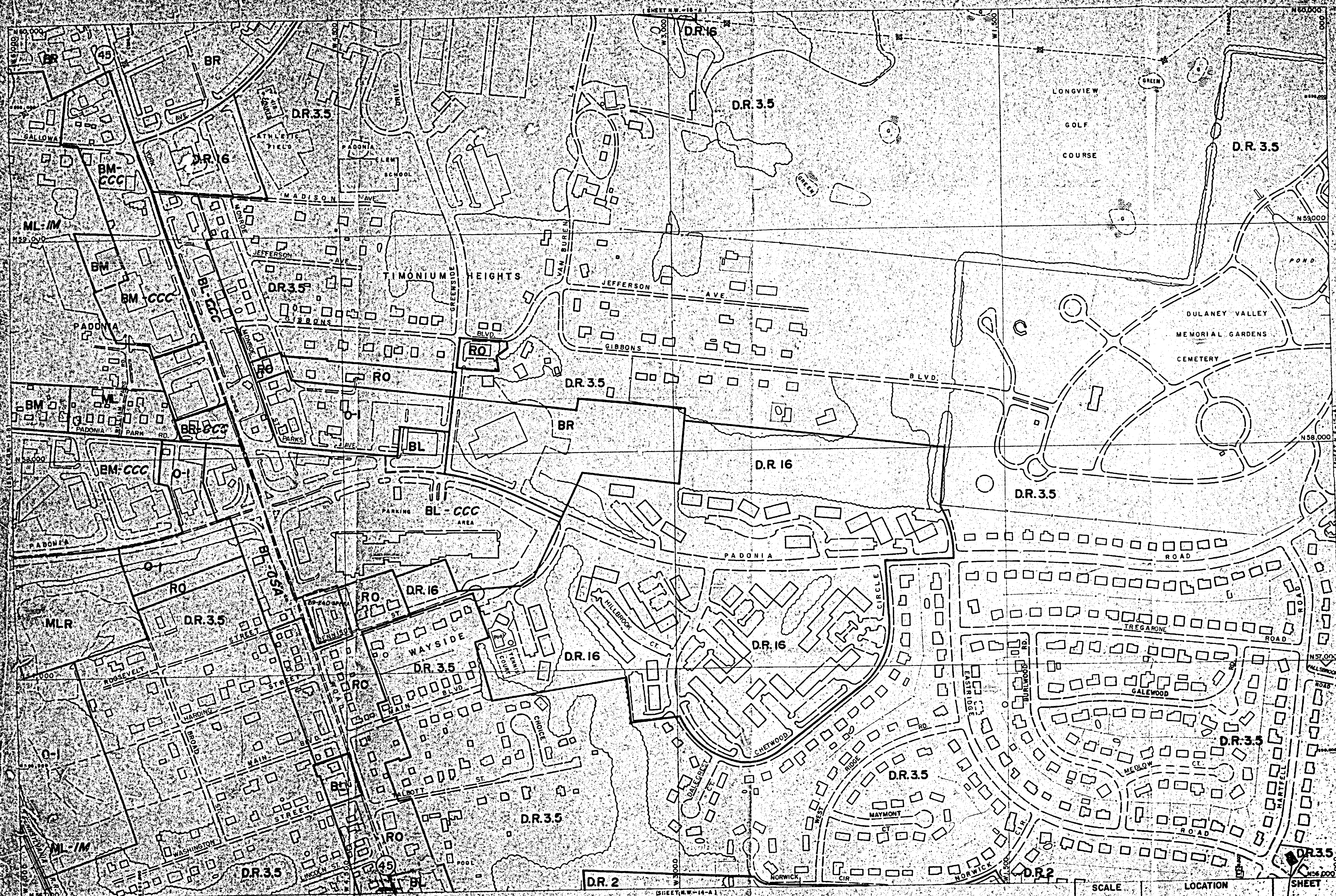
cc: People's Counsel

File

Philip A. Petty, Esquire
1426 E. Joppa Road, Towson, Md. 21204

*Petitioner's
Photographs
90-359-A*





BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

S-NE R-NW
V-SE U-SW

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988

Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHOD
BY BUCHART-HILF, INC. BALTIMORE, MD. 21210

Chickamauga County Council

SCALE
1" = 200' ±

DATE
-OF-
PHOTOGRAPHY
JANUARY
1986

LOCATION

PADONIA

SHEET

NW
15-A

SITE